



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.1594 of 2016

C.Neelaveni

... Petitioner

Vs.

S.Arun @ Ramasubramanian

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.1597 of 2015 in M.C. No.6 of 2014 on the file of the Learned Judicial Magistrate No.I, Usilampatti, and to set aside the same.

For Petitioner	: Mr.K.Abiya
For Respondent	: No appearance

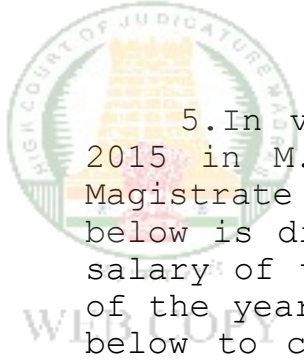
ORDER

This petition has been filed against the order passed by the Court below, dismissing the petition filed by the petitioner under Section 91(2) Cr.P.C.

2.The petitioner filed a petition for a direction to the employer of the respondent to produce certain documents relating to his monthly salary.

3.The Court below had found that the respondent had accepted the employment and has also given the salary particulars and therefore there is no requirement to call for the salary particulars from the employer of the respondent.

4.This Court is of the considered view that only if the correct particulars are provided by the employer, the Court below can have a fair idea as to what is the actual salary received by the respondent. Therefore, a fair opportunity has to be given to the petitioner to prosecute her case for the purpose of fixing an appropriate maintenance against the respondent.



5. In view of the above, the order passed in Cr.M.P.No.1597 of 2015 in M.C. No.6 of 2014, on the file of the Learned Judicial Magistrate No.I, Usilampatti, is hereby set aside and the Court below is directed to send for the documents relating to the monthly salary of the respondent from his employer. The Maintenance Case is of the year 2014. Therefore, there shall be a direction to the Court below to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is allowed with the above direction.

sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate No.I,
Usilampatti.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

Crl.O.P. (MD) No.1594 of 2016
19.09.2018

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AK (DS) /SKN/SAR3/16.10.2018/2P-4C